REMARKS

In view of the Request for Continued Examination (RCE) concurrently submitted herewith, Applicants respectfully request the Examiner to withdraw the finality of the outstanding rejections and reconsider the merits of these rejections in view of the foregoing amendments and following remarks. Claims 1-29 are currently pending.

I. Rejections under 35 U.S.C. § 103(a)

Claims 1-23 stand rejected under 35 U.S.C. 103(a), as allegedly being unpatentable over U.S. Patent No. 6,567,816 to Desai *et al.* ("Desai"), in view of U.S. Patent No. 5,727,159 to Kikinis. *See* Office Action, page 2. Applicants contend that this rejection is unsustainable.

Although Applicants maintain that the grounds for the instant rejection are unsoundly based, independent claim 1 has nonetheless been amended to better describe the claimed invention. Claim 1 as amended is repeated as follows:

> 1. Apparatus comprising
> retrieval means for retrieving a first set of data from a first predetermined data source, said first set of data including a second set of data;
> analyzing means for *analyzing semantics, format, or position of said second set of data within said first set of data*; and
> *means for building an agent, said agent comprising instructions based on said analysis of said semantics, format, or position of said second set of data, wherein said instructions are to be used by said agent to subsequently retrieve a third set of data from said first predetermined data source and select a fourth set of data included in said third set of data.* (Emphasis added.).

Support for the amendments to this claim are found at least at paragraphs 69 and 70 of Applicants' specification. Claim 1 as it is now presented captures the concept of building an agent to accurately retrieve, for example, desired content that may vary not only in substance, but also in form, position, etc. within a predetermined target data source. *See* paragraph 59 of Applicants' Specification. This agent is built based on an analysis of the desired content's semantics, format, or position vis-à-vis the overall target source data gathered during a first or original retrieval. The results of this analysis allow the agent to accurately evaluate the target source and accurately retrieve desired content upon subsequent retrievals even if the target source data changes in form, content, etc.

Desai, either taken alone or in combination with Kikinis, clearly fails to teach or suggest "analyzing means for analyzing semantics, format, or position of said second set of data within

said first set of data; and means for building an agent, said agent comprising instructions based on said analysis of said semantics, format, or position of said second set of data, wherein said instructions are to be used by said agent to subsequently retrieve a third set of data from said first predetermined data source and select a fourth set of data included in said third set of data" as claimed. Desai teaches a database management method for extracting data from a first database record having a first format for insertion into a second database record having a second format. *See* Desai, abstract. Desai does not analyze the semantics, format, or position of the extracted data nor does it build an agent for subsequently retrieving new data from the first record based on such an analysis. Kikinis teaches a system in which a proxy-server is provided to translate information received from the Internet into a simplified format readily useable by downstream computing devices having limited processing and display capabilities. *See* Kikinis, abstract. Kikinis does not analyze the semantics, format, or position of the extracted data in order to build an agent for the subsequent retrieval of data from the same data source. Accordingly, Applicants contend that independent claim 1, as well as analogous independent claim 22, and all claims dependent therefrom, *i.e.*, 2-13, 24, and 26-29, are novel and nonobvious in view of the cited art.

Independent claim 14 remains as originally presented and is repeated as follows.

> 14. Apparatus comprising:
> *retrieval means for retrieving a first set of data from a first predetermined data source and a second set of data from a second predetermined data source*, said first set of data and said second set of data each being in any one of several possible formats;
> analyzing means for analyzing said first set of data to select a first subset of data included in said first set of data and for analyzing said second set of data to select a second subset of data included in said second set of data; and
> *means for displaying said first subset of data and said second subset of data on a display device*, said means for displaying including means for reformatting said first subset of data and said second subset of data if necessary for display on said display device. (Emphasis added.)

Applicants maintain that this claim is novel and nonobvious in view of the cited art. Simply put, Desai, either taken alone or in combination with Kikinis, fails to teach or suggest retrieving and selecting multiple sets of data from a plurality of sources and formatting these sets of data for display on a single device. Desai moves data from one data record to another on a one-to-one basis. Kikinis also operates on a one-to-one basis by processing a single retrieved web page from a single source into a simplified format so that it can be displayed on a single thinly

equipped device. Neither of these references operate on a multiple-to-one basis as provided in claim 14. The Examiner has apparently overlooked these inadequacies by failing to provide any analysis or point to any specific teachings in either of these references that support the specific limitations claimed. Desai, either taken alone or in combination with Kikinis, fails to teach at least a "retrieval means for retrieving a first set of data from a first predetermined data source and a second set of data from a second predetermined data source . . .; and means for displaying said first subset of data and said second subset of data on a display device" as claimed. Accordingly, Applicants contend that independent claim 14, and all claims dependent therefrom, *i.e.*, 15-21 and 25, are novel and nonobvious in view of the cited art.

Independent claim 23 also remains as originally presented and is repeated as follows.

> 23. A method of retrieving a subset of data from a data collection, said data collection having content which may vary over time, said method comprising the steps of:
> *assigning a first weighting factor to a first strategy for retrieving a subset of data from said data collection;*
> *assigning a second weighting factor to a second strategy for retrieving a subset of data from said data collection;*
> *assigning a third weighting factor to a third strategy for retrieving a subset of data from said data collection;*
> *determining a first candidate subset of said data collection using said first strategy, a second candidate subset of said data collection using said second strategy, and a third candidate subset of said data collection using said third strategy;*
> *selecting one of said first, second, and third candidate subsets as a result subset based on said first, second, and third weighting factors;*
> *adjusting said first weighting factor based on whether said first candidate subset matches said result subset, said second weighting factor based on whether said second candidate subset matches said result subset, and said third weighting factor based on whether said third candidate subset.* (Emphasis added.)

The Examiner has yet to provide any analysis whatsoever with respect to the specific limitations recited in this claim, *e.g.*, those directed toward assigning and adjusting first, second, and third weighting factors, and determining and selecting first, second, and third candidate subsets. The Examiner can not merely rely on the "rejection of claim 1, 11-14, and 22-23 [*sic*]" (Office Action, page 4) as many, if not all, of the claim limitations recited in claim 23 do not appear in the preceding claims. Desai, either taken alone or in combination with Kikinis, fails to teach or suggest the use of weighting factors and candidate subsets as claimed.

Claims 24-26 stand rejected under 35 U.S.C. 103(a), as allegedly being unpatentable over Desai in view of Kikinis, and further in view of U.S. Patent No. 6,052,688 to Thorsen. *See* Office Action, page 5. Applicants submit that the instant rejection is rendered moot by the foregoing amendments and remarks.

II. Request for Interview

In the event the Examiner deems that any patentability issues remain upon consideration of this Reply, Applicants respectfully request that the Examiner grant an in-person or telephone interview with Applicants' representative to discuss an appropriate resolution. If the Examiner believes that an actual demonstration of the claimed invention would be fruitful, Applicants would be delighted to facilitate such a demonstration.

CONCLUSION

Applicants respectfully submit that this application is in condition for allowance, and such disposition is earnestly solicited.

In the event that a variance exists between the amount submitted concurrently herewith and that deemed necessary by the United States Patent & Trademark Office to enter and consider the instant Reply or to maintain the application pending, please charge or credit such variance to the undersigned's Deposit Account No. 50-0206.

Respectfully submitted,

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Dated: February 26, 2004

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